

IN RE PETITION OF MARY V. McRAE : Order Docketing and Dismissing  
: Petition for Writ of Habeas  
: Corpus  
:  
: Docket No. IBIA 96-111-A  
:  
: August 29, 1996

Mary V. McRae has petitioned the Board of Indian Appeals for a writ of habeas corpus in order to regain custody of her three minor grandchildren from the Eastern Shawnee Tribe of Oklahoma and the Children's Court of the Court of Indian Offenses for the Miami Agency, Bureau of Indian Affairs (CFR Court). McRae states that she has attempted unsuccessfully to have her request for return of the children heard in the CFR Court.

The Board is not a court of general jurisdiction. It has only that authority which has been delegated to it by the Secretary of the Interior. See 43 CFR 4.1(b)(2). It has not been delegated authority to issue writs of habeas corpus to CFR Courts.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition is docketed but dismissed for lack of jurisdiction.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge